

## **CHAPTER 99-01.3-04 BINGO**

### **Section**

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### **99-01.3-04-01. Bingo.**

1. This chapter applies to bingo not involving a bingo card dispensing device.
2. "Bingo" is when a player buys a card or uses a bingo card marking device and marks squares, or a radio frequency signal marks squares on a marking device, as a caller announces a letter and number or only a number for speedball bingo. Speedball bingo is a game in which a bingo caller announces the drawn numbers in a fast manner. Except for a bonanza bingo or a game that has a certain number or all of its numbers predrawn, a winning player of a game is the player who first covers a predetermined pattern of squares by matching letters and numbers on a bingo card with balls drawn and called for that or another game and the player has timely called bingo. Except for a game that has all of its numbers predrawn, there must be a winning player. Bonanza bingo is a game in which a bingo caller predraws a certain quantity of balls before a session begins for a predetermined pattern and players buy and play cards throughout the session. During the session when the bonanza bingo game is conducted, unless a player has already won, the caller will draw additional balls until a player wins the game. In a game in which a bingo caller draws a certain quantity of balls for the game before a session begins for a predetermined pattern, players may buy and play the cards throughout the session.

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**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

### **99-01.3-04-02. Equipment.** An organization shall use this equipment:

1. A device from which balls are withdrawn or a random number generator. If a random number generator is not used, a set of either seventy-five or ninety balls bearing the letters and numbers corresponding to the bingo cards in play. The balls must be stored in a safe storage place when

not in use and be available for inspection by a player before a session begins. The balls must be equal size, weight, shape, and balance and must be in a receptacle before each game begins. A flashboard is optional.

2. Hard cards and paper cards, including paper cards that have two numbers in a square or enable a player to select and print numbers on a blank card, may be used. A blank card may be used if:
  - a. A card is a two-part carbonless card with a control number and five columns of numbers;
  - b. A player shall legibly print in ink one number in each blank square. A middle square, if any, may be a free space. The numbers cannot be repeated on a card and they must correspond with the letters and numbers of the bingo balls;
  - c. After a card is completed, a player shall provide an employee with the card before the start of the game. An employee shall ensure that the numbers are legible, validate the original and duplicate parts of a card, retain the original part, and return the duplicate part to the player; and
  - d. An employee shall verify a winning player's card and match the card's original part to the duplicate part. A card must be voided if it is illegible or altered.
3. Before conducting a bingo session, an employee shall test the equipment and ensure it is working properly.
4. Except to apply subsection 10 of section 99-01.3-04-03, an organization may not separate a collated set of paper bingo cards or cut up a paper bingo card that has two or more faces on it to separately sell the cards or faces.

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**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

#### **99-01.3-04-03. Conduct and play.**

1. These rules and information must be disclosed or made available to players:
  - a. A person may not separate a paper card when there are two or more faces on a sheet;
  - b. A person under eighteen years of age may not play bingo unless an individual, eighteen years of age or older, accompanies a minor

when buying a bingo card or package and throughout the session. The adult may not be an employee on duty. This rule does not apply if a person under twenty-one years of age is not allowed on the site or an organization has a permit or prize structure that does not exceed the limit of a permit;

- c. If an organization does not restrict duplicate paper cards from being in play for a game, it shall disclose or make available that information to all players before their purchase of cards or packages;
  - d. The actual letter and number on a ball drawn or freely awarded is official;
  - e. If a person knowingly uses a fraudulent scheme or technique to cheat or skim involving bingo, regardless of the amount gained, the offense is a class C felony punishable by a five thousand dollar fine or five years in jail or both;
  - f. A bingo card is void if it is taken outside the gaming area; and
  - g. If a player attempts to falsify or falsifies a record of win, the prize is forfeited.
2. These policies must be disclosed or made available to players:
- a. A policy of when an organization may cancel a bingo session;
  - b. A policy that if a player has more than one bingo on one card or on two or more cards for a game, whether it is considered as one bingo or more than one bingo for splitting a prize with another winning player;
  - c. A policy that a bingo is timely called by a player when, on the last number called, the player calls the word "bingo" or other required word before the bingo caller announces the whole letter and number of the next ball to be called, or other policy;
  - d. A policy on sharing a prize by two or more winning players on identically or differently priced cards. A policy must include the following except that an organization may award a minimum prize:
    - (1) If a prize is cash and all winning players bingo on identically priced cards, the cash prize must be divided equally. An organization may round fractional dollars.

- (2) If a prize is cash and the winning players bingo on differently priced cards, an organization shall award each winning player:
  - (a) The designated prize;
  - (b) An equal share of the designated prize; or
  - (c) A proportional part of the designated prize for that card or any other fair method. The proportional part is the ratio that each winning player is in relation to the total number of winning players. To illustrate, if three players bingo on differently priced cards, each player is to be awarded one-third of the designated prize for that player's card.
- (3) If a prize is merchandise and it cannot be divided, an organization shall do one of these options which must be disclosed in the bingo program or promotional material or announced before the bingo session:
  - (a) Award each winning player a substitute merchandise prize which must be of at least equal value and total the retail price of the original prize. A merchandise prize may be redeemable or convertible into cash at an organization's option;
  - (b) Award a certain cash split amount that totals the retail price of the original prize; or
  - (c) Conduct a continuous or separate playoff game between the winning players;
- e. A policy that a player may or may not use a bingo card marking device and play additional paper bingo cards at the same time; and
- f. A policy that a player may or may not share the player's bingo package with another player.
- 3. An organization shall make these announcements:
  - a. Before each session, the policies on:
    - (1) When a bingo is timely called by a player;
    - (2) Whether the bingo caller, floorworker, or both must hear and acknowledge a player who calls the word "bingo" or other required word; and

- (3) That a player is responsible for ensuring that the bingo caller, floorworker, or both hear and acknowledge the player; and
  - b. Before each game, the game's winning bingo pattern.
4. An employee may only assist a disabled player in playing a bingo card or assist a player in how to use a bingo card marking device. A legally blind or disabled player may use the player's personal braille or special card when an organization does not provide such a card. An organization may inspect and reject the card.
  5. An employee may not sell or award a gift certificate as a prize unless:
    - a. A certificate is accounted for when it is sold or awarded. An employee shall issue a certificate to the purchaser or player and retain a copy or stub of the certificate with the daily records and record the certificate on a register to document the sale. An organization shall recognize a sale of a certificate as gross proceeds on the tax return for the quarter in which it was sold. A certificate awarded as a prize has no cash value. A certificate must be used to buy only a bingo card or package;
    - b. A register is maintained which accounts for all certificates sold or awarded at a site. A register must include, for each certificate, a consecutive control number, selling price (if applicable), dates issued and redeemed, sites at which it is issued and redeemed, and initials of the employees who issue and redeem the certificate; and
    - c. A redeemed certificate is signed by a player and retained by an organization with the daily accounting records. A player is issued a bingo card or package at the site when the certificate is redeemed.
  6. If an organization changes a publicly announced bingo program for a session in which a potential prize or the number of games is reduced, an employee shall notify a player of the change before the player buys a card.
  7. If an organization sells two or more differently priced cards or packages for a game, it shall use a different type, color, serial number, or a distinctive identifiable feature for each differently priced card or package. An organization may not use the same serial numbered paper bingo cards for more than one game or group of games during a bingo session, unless the face of a card is a different color or a card audit tracking number is used.
  8. If an organization accepts a discount coupon, the redeemed coupon must contain the dollar value or percentage discount and be signed by a player. An employee shall write the value of the bingo card or package

purchased on the face of the coupon unless the value is already stated, record the date on the coupon or on a group of coupons for a session, and retain the coupon with the daily records. The value of a player's one or more coupons must be less than the value of the card or package bought.

9. If an organization accepts a donated item in exchange for a discount, an employee shall account for the discount on a register as part of the daily records. A discount must be less than the value of the card or package bought. A register must contain:
  - a. Bingo session and date of the session;
  - b. Amount of the discount;
  - c. Value of the bingo card or package bought;
  - d. Signature of the player;
  - e. Total amount of bingo card or package discounts for the session; and
  - f. Date and initials of the cashier.
10. A card or package must be bought on a site immediately before the start of a game or during a session. However, an organization may presell a card or package for a special session that involves a bingo prize or prizes that equal or exceed ten thousand dollars for the session provided the organization:
  - a. Uses a consecutively numbered two-part receipt to register a player who prepay. One part is issued to a player who shall redeem the receipt to receive the card or package. The second part is retained by the organization to account for the gross proceeds;
  - b. Separately accounts for the gross proceeds and reports it on a tax return for the quarter in which the game is conducted; and
  - c. Provides a card or package to the player before the start of the session that day.

Except for a bonanza bingo or a game that has all of its numbers predrawn, no card may be sold for a game which is in progress or ended. If a paper bingo card is included in a package for a game in progress or ended, the card must be withdrawn and voided or destroyed. An employee may exchange a purchased package for another package if the employee accounts for all the cards of the first package and a session has not started.

11. An organization may allow a player to use a bingo card marking device provided by the organization that marks an electronic card image of a purchased card as follows:
- a. A device cannot be reserved for a player unless a player is disabled. An organization shall provide each player an equal opportunity to use the available devices on a first-come, first-served basis. A device cannot be issued through a floorworker;
  - b. A device must be used only at a site where the site system is located and the session is being conducted;
  - c. A device must be rented for a fixed amount, regardless of the price for a card or package or number of cards played through the device, or provided free to a player for the player's temporary use during the session;
  - d. No player can use more than one device at a time during a session;
  - e. No player can play more than seventy-two single-faced cards per game on a device and cannot choose or reject downloaded cards;
  - f. An organization shall use paper bingo cards in the session that are of a series different than the cards downloaded in the devices;
  - g. If a card or package may be used in a device and in paper form, it must be sold for the same price. An organization may sell a special card or package to a player for use only in a device. The organization may require a player to buy a minimum-priced card or package to use a device;
  - h. If a player rents a device while a game for that session is in progress, the player may not play that game and a cashier shall record on the player's receipt that the specific game number is void;
  - i. An organization may print a facsimile of a winning card and post it for players to inspect;
  - j. A player may use an input function key on a device or an organization may use a radio frequency signal to mark each number as it is called. When a player inputs a number or an organization sends a radio frequency signal, a device may automatically mark all the player's cards that contain that number;
  - k. If a player has a winning card, the player shall:
    - (1) Timely call bingo according to subdivision c of subsection 2 and it must be by a method other than through a device; and

- (2) Provide the device with the winning card displayed to a floorworker to verify according to subsection 18;
- l. If a player's call of a bingo is disputed or if the attorney general makes a request, an organization shall print the winning card stored on the device;
  - m. An organization shall have one spare device available should a device in use malfunction. If a player's device malfunctions, the player may exchange the device for a spare device. An organization shall restore the player's same cards from the site system;
  - n. An organization may perform routine maintenance on a device; and
  - o. An organization shall back up all of a site system's accounting information for a session on a report or separate electronic media immediately after that session and retain the backup file for three years from the end of the quarter in which the activity was reported on a tax return. The accounting information must comply with subsection 1 of section 99-01.3-16-09.1.
- 12. After the start of a session, an organization may not refund the purchase price of a card or package unless a site incurs an electrical power loss, there is inclement weather, an organization experiences an extraordinary incident, a session is canceled, or a player has an emergency.
- 13. If an organization sells hard cards before each game, during the game an employee shall count the number of hard cards played by all the players to the number recorded as sold. If the comparison reveals an irregularity, the gaming manager shall take corrective action.
- 14. An organization may not sell a bingo package that contains a variable number of cards based on each player's ability to play. Each separately priced package must contain a standard number of cards.
- 15. If a game has an actual or potential prize valued at five hundred dollars or greater, an employee shall use an electronic bingo card verifier; record in writing the called numbers and the sequence in which they were drawn; or audiotape the bingo caller calling the balls. When a player bingos, an employee shall retain the bingo card verifier record, the written record, or audiotape information, which includes the following and retain these records for three months:
  - a. Game number, winning pattern, type of card (number of faces on a sheet), type of package (regular, premium, super), series (card) number, and last number called; and



- b. Cash register receipt number, if applicable.
16. A caller shall manually display the letter and number on the ball to players except for speedball bingo or when a monitor or random number generator is used. An employee shall announce the letters and numbers on the balls or displayed by a random number generator in their exact sequence; however, numbers freely awarded do not need to be announced. The caller is also not required to announce all letters and numbers for a game in which the pattern does not require the use of the selected letters or numbers. If a player calls bingo and the bingo is invalid, the next ball called must be in sequence of the balls drawn.
  17. A player may bingo more than one time on the same card when an organization conducts continuation games of more than one pattern on the same card.
  18. A winning card must be verified by an employee and one neutral player or person unless an electronic bingo card verifier is used. A floorworker may not access a verifier. For a winning card on a bingo card marking device, an employee shall compare the serial number of the device to the receipt for the cards played on that device.
  19. An organization may offer a variety of prizes to a winning player who may choose a prize by random selection or chance. A player may win an additional prize by choosing the prize by random selection, by an organization drawing from previous winning players, or playing a game of skill if the player is not required to give anything of value. An organization shall disclose the potential prizes in the bingo program and notify a player of these prizes before the player chooses a prize, has the opportunity to win a prize, or plays a game of skill.
  20. An organization may award, as a prize, cash, merchandise, merchandise gift certificate, or gift certificate that can be redeemed for a bingo card or package.
  21. An organization may conduct a qualifying game whereby a player wins an opportunity to play in a special game.
  22. An organization may award a bonus that is based on a factor incidental to a bingo program if it is disclosed in a program, calendar, or flyer, and announced before a session, and is recorded on a prize register. Factors include a player bingoing on a certain color of card, combination of colored cards, last number called, particular face of a multifaced card, or winning a game on the player's birthday.
  23. If a player bingos and an employee determines that the player is playing more bingo cards than were bought, the player's bingo is void.

24. Bonanza bingo and a game that has all of its numbers predrawn must be conducted as follows:
- a. A caller shall initially call a certain quantity of balls. While a caller initially calls the bingo balls or before the caller calls the next continuous number, a player shall verify that the letter and number on the balls drawn are correctly displayed. A posted display must be used for the games, have restricted access, and reference that game;
  - b. A card must be sealed and unpeekable when it is sold;
  - c. An organization may sell or exchange cards throughout a session until sales are closed. If an organization exchanges cards, an employee shall, before the next continuous number is called, fully account for the floorworkers' sales of cards according to section 99-01.3-04-07. A floorworker may not turn in any exchanged card after the accounting is begun;
  - d. If a player bingos before the next continuous number is called, the player wins. Otherwise, an additional bingo ball is drawn until a player bingos. This rule does not apply to a game that has all of its numbers predrawn;
  - e. A game may not extend beyond a session;
  - f. If an organization permits a player to exchange a partially played card for a new card and pay a discounted or exchange price, an employee shall:
    - (1) Validate the date of the session on the card with a mechanical device or rubber stamp. A card validated for a session, but not sold, must be voided. The organization shall use a different color of card for each game conducted at a site during a day;
    - (2) Retain the exchanged cards as part of the daily records for six months;
    - (3) Record the validation date and card color used by session; and
    - (4) Reconcile the cards, accounting for:
      - (a) Number of cards taken from inventory which must be independently counted and verified by two employees who shall initial and date the verification;
      - (b) Number of cards sold;

- (c) Number of cards exchanged, which must be separately maintained for each floorworker. The cards must be recounted by an employee who is not the floorworker. The employee who controls the floorworker sales report shall band each floorworker's exchanged cards separately, identify the banded group with the floorworker's name, session, and initial and date. A floorworker shall also initial the floorworker's banded group;
- (d) Number of cards returned to inventory and voided which must be independently counted and verified by two employees. Each person shall initial and date the verification; and
- (e) Document any discrepancy and corrective action taken; and

9. A voided card must be retained for six months.

- 25. If an employee determines, during or immediately after the play of a game and before a card is verified as a winning bingo, that a ball is missing, the employee shall void the game and offer the players a fair alternative.
- 26. Except for a game that has all of its numbers predrawn and for which an organization has recorded the information required by section 99-01.3-03-07 on the winning card and retains the card, an employee shall record a prize and bonus prize on a register according to section 99-01.3-03-07.
- 27. Unless written approval is obtained from the attorney general for use of another receipting method, an organization shall receipt gross proceeds, including an additional amount paid by a player for a chance to win an extra prize in a special game, by a cash register, tickets, paper card count, or floorworker sales report. The receipting method must reference the primary color or serial number, type of cards, number of the cards sold, or reference other information approved by the attorney general.
- 28. For a site where bingo is the primary game or a site that is leased by a licensed organization, the organization or any person may not pay bingo prizes in which the total bingo prizes exceed total bingo gross proceeds for two entire consecutive quarters. However, if bingo is the primary game at the site, a bingo prize that equals or exceeds ten thousand dollars is excluded from the calculation of total bingo prizes.
- 29. An organization shall have a written bingo program for each session. However, if the program does not change each day or session, an

organization may retain one program and record the dates on which it applied. A program must contain:

- a. Name of a site or organization;
- b. Date or dates of the sessions;
- c. Description of each game and the game's prize; and
- d. Selling prices of the cards or packages.

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**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1, 53-06.1-07.1

**99-01.3-04-04. Cash register.** This receipting method may be used to record gross proceeds of packages, hard cards, and paper cards, excluding floorworker sales, by issuing consecutively numbered receipts.

1. A receipt must contain:
  - a. Name of a site or organization;
  - b. Date of the session; and
  - c. Selling price of a card or package and receipt number.
2. A cash register must:
  - a. Have at least a consecutive four-digit receipt number which does not return to zero at the end of any use and retain its transaction count between uses if it is off or without electricity; and
  - b. Separately record each type of regular and discounted priced card or package sold, including a sale of a card or package related to a redeemed gift certificate, and provide a total for each type of sale. For a discounted card or package, the regular price may be recorded provided that the discount is recorded and accounted for on a supporting schedule. When a gift certificate is sold, the selling price must be recorded on a cash register or daily receipting record.
3. A cash register receipt for a void, refund, or similar item must be initialed and retained with the daily records.
4. All transactions and control totals must be recorded on an internal tape that must be retained with the daily records. If a cash register is also

used for a purpose other than bingo, the internal tape from the other use must also be retained.

5. A cash register cashier may not issue a refund or void a sale that has been recorded as a transaction, but may do a no sale transaction to access a cash drawer. For a refund, a cashier's supervisor shall execute a refund and initial the refund transaction on the internal tape. For a voided sale, a cashier's supervisor shall execute a void and initial the void transaction on the internal tape. If a supervisor is not available or if the cashier is the supervisor, another employee shall comply with this rule.

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**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-04-05. Tickets.** The ticket receipting method may be used to record gross proceeds of packages, hard cards, and paper cards, including floorworker sales, by issuing consecutively numbered tickets. These rules apply:

1. All tickets on a roll must have a preprinted consecutive number; and
2. Tickets must be issued consecutively from a roll. The daily records must contain the ticket color, ticket selling price, and lowest and highest numbered tickets issued from each roll for a session. Every ticket on a particular roll must be issued for the same price on that day. Tickets issued for each type of sale must be recorded separately. A ticket not issued during a session that bears a number below the highest numbered ticket issued, along with any tickets from the end of the roll which will not be issued in a future session, must be retained as part of the daily records as unsold.
3. A discount coupon and gift certificate must be recorded in the daily records.

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**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-04-06. Paper card count.** The paper card count receipting method may be used to record gross proceeds of paper bingo cards. The daily records must include the total number of cards or collated sets taken from inventory and returned to inventory. Unless there is only one employee on duty when the cards or sets are taken from or returned to inventory, the count of the cards or sets must be done by two persons. Both persons shall participate in a count of the cards or sets in the presence of each other and resolve any difference. After completing and documenting the count, both persons shall initial the record. The record must include the selling price of the card or set and number of cards or sets issued,

returned, voided, and sold for each type of card for the session. A discount coupon and gift certificate must be recorded in the daily records.

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**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-04-07. Floorworker sales report.** The floorworker sales report receipting method may be used to record gross proceeds of paper bingo cards sold by floorworkers. A report must be completed, for each floorworker, by an employee who is not a floorworker. For a bonanza bingo game in which an organization permits a player to exchange a partially played card for a new card and pay a discounted or exchange price, a report must contain all the information required by subsections 1 through 10. For all other games, a floorworker's report must contain all the information required by subsections 1 through 6, by game, and must contain the information required by subsections 7 through 10, by session.

1. Game number or game name.
2. Floorworkers' names or assigned numbers.
3. Selling price of each single (one card) and packet.
4. Number of singles and packets issued to each floorworker, by game. The employee issuing the cards and the floorworker shall initial the report. If an organization sells singles at a discount, the number of discounted sets must be predetermined and separately accounted for when issued to a floorworker.
5. Number of singles and packets returned by floorworker, by game, as unsold, including the number of exchanged bonanza bingo cards. The floorworker and an employee who is not a floorworker shall count the cards and initial the report in the presence of each other.
6. Number and value of singles and packets sold by each floorworker, by game.
7. Amount of cash turned in to a cashier by floorworker. The floorworker and the cashier shall count the cash and initial the report in the presence of each other.
8. Amount of cash long or short by floorworker.
9. Total value of singles and packets sold, total cash turned in, and total cash long or short.

10. A void, refund, or similar item must be approved by a supervisor and retained with the floorworker sales report.

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**General Authority:** NDCC 53-06.1-01.1

**Law Implemented:** NDCC 53-06.1-01.1

**99-01.3-04-08. Recordkeeping.** Records must include and be retained for three years from the end of the quarter in which the activity was reported, unless otherwise provided by rule:

1. For each session:
  - a. The gross proceeds for each type of sale or game. If a site system involving bingo card marking devices is used, records must include the summary report for the session according to subdivision c of subsection 1 of section 99-01.3-16-09.1;
  - b. The starting and ending cash on hand and IOU records according to section 99-01.3-03-06;
  - c. A summary of gross proceeds, prizes, adjusted gross proceeds, cash profit, cash long or short, and bank deposit. The summaries of all sessions for a quarter must reconcile to the tax return;
  - d. Prize register according to section 99-01.3-03-07 and record of win according to section 99-01.3-03-08;
  - e. Inventory records according to subsections 2, 3, and 4 of section 99-01.3-03-09;
  - f. If bingo is the primary game at a site, the number of players and time of the count;
  - g. A copy of or reference to a bingo program according to subsection 29 of section 99-01.3-04-03;
  - h. All voided paper bingo cards, other voided sealed and unpeekable bingo cards, and exchanged bonanza bingo cards, which must be retained for six months;
  - i. The gift certificate register;
  - j. Redeemed gift certificates and discount coupons; and
  - k. Purchase invoice or receipt documenting the cost of a merchandise prize.

2. The cash profit defined in subdivision a of subsection 6 of section 99-01.3-02-01, verification of the amount deposited according to a bank statement, and an audit of the game's activity according to section 99-01.3-03-10.
3. The count and reconciliation of paper bingo cards, rolls of tickets, and cash banks according to subsection 6 of section 99-01.3-03-09.

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